

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

DANIKA MANN,

Plaintiff,

Case No. 3:23-cv-101

vs.

SYNCHRONY BANK, *et al.*,

District Judge Michael J. Newman  
Magistrate Judge Caroline H. Gentry

Defendants.

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**ORDER: (1) GRANTING PLAINTIFF’S MOTION TO DISMISS DEFENDANT  
SYNCHRONY BANK UNDER FED. R. CIV. P. 21 (Doc. No. 6); AND (2) DISMISSING  
WITHOUT PREJUDICE DEFENDANT SYNCHRONY BANK AS A PARTY FROM  
THIS CASE**

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This civil case is before the Court on Plaintiff’s Fed. R. Civ. P. 21 Motion to Dismiss Defendant Synchrony Bank from this case. Doc. No. 6. Rule 21 permits this Court to, “on just terms, add or drop a party.” Fed. R. Civ. P. 21. “[A] court may exercise its discretion to ‘drop a party from a lawsuit *sua sponte* whose presence no longer [a]ffects the issues being litigated.’” *Letherer v. Alger Grp., LLC*, 328 F.3d 262, 267 (6th Cir. 2003), *overruled on other grounds*, *Blackburn v. Oaktree Cap. Mgmt., LLC*, 511 F.3d 633 (6th Cir. 2008); *see also Espinosa v. First Advantage Background Corp.*, 343 F.R.D. 414, 415–16 (S.D. Ohio 2023). That would apply here, as Plaintiff recognizes, because “[D]efendant Synchrony Bank has no liability as alleged in the complaint.” Doc. No. 6 at PageID 71; *see Letherer*, 328 F.3d at 267 (“A misjoinder of parties also frequently is declared because no relief is demanded from one or more of the parties joined as defendants” (quoting 7 Charles Alan Wright, Arthur R. Miller, & Mary Kay Kane, *Federal Practice and Procedure* § 1683 (3d ed. 2001)) (citing *Am. Fid. Fire Ins. Co. v. Construcciones Werl, Inc.*, 407 F. Supp. 164, 190 (D.V.I. 1975))).

However, Plaintiff does not indicate if dismissal should be with or without prejudice. Ordinarily, “unless the parties state otherwise, dropping a party or severing a claim under Rule 21 is without prejudice[.]” *Espinosa*, 343 F.R.D. at 416 (citations omitted); *see also Fin. Res. Fed. Credit Union v. Diebold, Inc.*, No. 5:21-CV-00219, 2021 WL 4270077, at \*1 (N.D. Ohio Apr. 29, 2021). Thus, absent contrary intent, the Court shall dismiss Synchrony Bank without prejudice. *See, e.g., Espinosa*, 343 F.R.D. at 416; *Alford v. Mohr*, No. 2:19-cv-1497, 2019 WL 3000964, at \*3–4 (S.D. Ohio July 10, 2019). Accordingly, the Court **GRANTS** Plaintiff’s motion. Doc. No. 6. Defendant Synchrony Bank is **DISMISSED WITHOUT PREJUDICE** from this case.

**IT IS SO ORDERED.**

May 2, 2023

/s Michael J. Newman  
Hon. Michael J. Newman  
United States District Judge